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AMENDMENTS TO LB 452

(Amendments to Standing Committee amendments, AM0404)

1 1. Strike the original amendments and insert the
2 following new amendment:

3 "1. Strike the original sections and insert the
4 following new sections:

5 'Section 1. Section 60-302, Revised Statutes Supplement,
6 2002, is amended to read:

7 60-302. (1) (a) No motor vehicle, trailer, semitrailer,
8 or cabin trailer, unless otherwise expressly provided, shall be
9 operated or parked on the highways of this state unless the vehicle
10 is registered in accordance with Chapter 60, article 3.

11 (b) (i) There shall be a rebuttable presumption that any
12 vehicle stored and kept more than thirty days in the state is being
13 operated or parked on the highways of this state except for a
14 vehicle brought into this state from another state, country, or
15 place.

16 (ii) For a vehicle brought into this state from another
17 state, country, or place, there shall be a rebuttable presumption
18 that any vehicle stored and kept in this state is being operated or
19 parked on the highways of this state if the vehicle is owned by a
20 person who:

21 (A) Owns or operates a business in this state;

22 (B) Is gainfully employed in this state; or

23 (C) Resides in this state for ninety consecutive days,

1 whichever happens first.

2 (c) Any vehicle operated or parked on the highways of
3 this state and shall be registered in accordance with Chapter 60,
4 article 3:

5 (i) Within thirty days after ~~7~~ ~~from~~ the date of title of
6 the motor vehicle; ~~or~~, if

7 (ii) If no transfer in ownership of the motor vehicle has
8 occurred, ~~from~~ within thirty days after the expiration of the last
9 registration period for which the motor vehicle was registered; or

10 (iii) Within sixty days after the time the motor vehicle
11 is determined to be required to be registered pursuant to
12 subdivision (1)(b)(ii) of this section.

13 (d) Every owner of a vehicle required to be registered
14 shall make application for registration to the county treasurer of
15 the county in which the vehicle has situs as defined in section
16 60-3001. The application shall be a copy of a certificate of title
17 or, in the case of a renewal of a registration, the application
18 shall be the previous registration period's certificate. A salvage
19 branded certificate of title and a nontransferable certificate of
20 title provided for in section 60-131 shall not be valid for
21 registration purposes.

22 (2) An application for registration of a motor vehicle
23 shall be accompanied by proof of financial responsibility or
24 evidence of insurance covering the motor vehicle. Proof of
25 financial responsibility shall be evidenced by a copy of proof of
26 financial responsibility filed pursuant to subdivision (2), (3), or
27 (4) of section 60-528 bearing the seal of the Department of Motor

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1 Vehicles. Evidence of insurance shall give the effective dates of
2 the automobile liability policy, which dates shall be evidence that
3 the coverage is in effect on and following the date of
4 registration, and shall designate, by explicit description or by
5 appropriate reference, all motor vehicles covered. Evidence of
6 insurance in the form of a certificate of insurance for fleet
7 vehicles may include, as an appropriate reference, a designation
8 that the insurance coverage is applicable to all vehicles owned by
9 the named insured, or wording of similar effect, in lieu of an
10 explicit description. Proof of financial responsibility also may
11 be evidenced by (a) a check by the department or its agents of the
12 motor vehicle insurance data base created under section 60-302.05
13 or (b) any other automated or electronic means as prescribed or
14 developed by the department.

15 (3) Any nonresident owner who desires to register a
16 vehicle or vehicles in this state shall register in the county
17 where the vehicle is domiciled or where the owner conducts a bona
18 fide business.

19 (4) Each new application shall contain, in addition to
20 other information as may be required by the department, the name
21 and post office address of the applicant and a description of the
22 vehicle, including the color, the manufacturer, the identification
23 number, and the weight of the vehicle required by Chapter 60,
24 article 3. With the application the applicant shall pay the proper
25 registration fee as provided in sections 60-305.08 to 60-339 and
26 shall state whether the vehicle is propelled by alternative fuel as
27 defined in section 66-686 and, if alternative fuel, the type of

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1 fuel. The form shall also contain a notice that bulk fuel
2 purchasers may be subject to federal excise tax liability. The
3 department shall prescribe a form, containing the notice, for
4 supplying the information for vehicles to be registered. The
5 county treasurer shall include the form in each mailing made
6 pursuant to section 60-3003. The county treasurer or his or her
7 agent shall notify the Motor Fuel Tax Enforcement and Collection
8 Division of the Department of Revenue whenever a vehicle powered by
9 an alternative fuel as defined in section 66-686 is registered.
10 The notification shall include the name and address of the
11 registrant, the date of registration, the type of motor vehicle
12 registered, and the type of alternative fuel used to propel the
13 vehicle as indicated on the registration application.

14 (5) The county treasurer or his or her agent shall
15 collect, in addition to the registration fees, one dollar and fifty
16 cents for each certificate issued and shall remit one dollar and
17 fifty cents of each additional fee collected to the State Treasurer
18 for credit to the Department of Motor Vehicles Cash Fund.

19 (6) The county treasurer or his or her agent shall
20 collect, in addition to other registration fees, fifty cents for
21 each certificate issued and shall remit the fee to the State
22 Treasurer for credit to the Nebraska Emergency Medical System
23 Operations Fund.

24 (7) The county treasurer or his or her agent shall
25 collect, in addition to other registration fees, one dollar and
26 fifty cents for each certificate issued and shall remit the fee to
27 the State Treasurer for credit to the State Recreation Road Fund.

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1 (8) If a citation is issued to an owner or operator of a
2 vehicle for a violation of this section and the owner properly
3 registers and licenses the vehicle not in compliance and pays all
4 taxes and fees due and the owner or operator provides proof of such
5 registration to the prosecuting attorney within ten days after the
6 issuance of the citation, no prosecution for the offense cited
7 shall occur.

8 ~~(9)~~ If a county board consolidates services under the
9 office of a designated county official other than the county
10 treasurer pursuant to section 23-186, the powers and duties of the
11 county treasurer relating to registration under sections 60-301 to
12 60-347 shall be performed by the designated county official.

13 ~~(10)~~ (9) A county treasurer or county official or his or
14 her agent may accept credit cards, charge cards, debit cards, or
15 electronic funds transfers as a means of payment for registration
16 pursuant to section 13-609.

17 ~~(11)~~ (10) For the period January 1, 2003, through
18 December 31, 2005, the county treasurer or his or her agent shall
19 collect, in addition to the other registration fees, twenty-five
20 cents for each certificate issued to pay for the costs of the motor
21 vehicle insurance data base created under section 60-302.05 and
22 shall remit such additional fee to the State Treasurer for credit
23 to the Department of Motor Vehicles Cash Fund.

24 Sec. 2. Section 60-302.03, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-302.03. Any person who operates or parks a motor
27 vehicle, semitrailer, or cabin trailer on any highway, which

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1 vehicle has not been registered as required by section 60-302 or
2 60-305.01, shall be subject to the penalty provided in section
3 60-348, except that the court shall impose a five-hundred-dollar
4 fine for any violation involving a vehicle brought into this state
5 from another state, country, or place. In addition, the
6 prosecuting attorney may bring an action to recover a civil penalty
7 of five hundred dollars for any violation involving a vehicle
8 brought into this state from another state, country, or place. All
9 penalties shall be remitted to the State Treasurer for use
10 consistent with Article VII, section 5, of the Constitution of
11 Nebraska.

12 A person who parks a motor vehicle on any highway, which
13 vehicle has been properly registered in this state but such
14 registration has expired, shall not be in violation of this section
15 or section 60-302 or subject to the penalty provided in section
16 60-348, unless thirty days have passed from the expiration of the
17 prior registration.

18 Sec. 3. Section 60-305.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-305.01. (1) A nonresident owner, except as provided
21 in subsection (2) of this section, owning any foreign vehicle which
22 has been properly registered in the state, country, or other place
23 of which the owner is a resident, and which at all times, when
24 operated in this state, has displayed upon it the number plate or
25 plates issued for such vehicle in the place of residence of such
26 owner, may operate or permit the operation of such vehicle within
27 the state without registering such vehicle or paying any fees to

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1 this state.

2 (2) Any nonresident owner gainfully employed or present
3 in the State of Nebraska, operating a passenger car in this state,
4 shall register such car in the same manner as a Nebraska resident,
5 ~~after thirty days of continuous employment or presence in this~~
6 ~~state as required by section 60-302,~~ unless the state of his or her
7 legal residence grants immunity from such requirements to residents
8 of this state operating a passenger car in that state. Any
9 nonresident owner whose passenger car is operated in this state ~~for~~
10 ~~thirty or more continuous days~~ shall register such car in the same
11 manner as a Nebraska resident, as required by section 60-302 unless
12 the state of his or her legal residence grants immunity from such
13 requirements to residents of this state operating a passenger car
14 in that state.

15 Sec. 4. Original sections 60-302.03 and 60-305.01,
16 Reissue Revised Statutes of Nebraska, and section 60-302, Revised
17 Statutes Supplement, 2002, are repealed.'.".